

## United States Department of Agriculture

### FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16326-16350

[Approved by the Secretary of Agriculture, Washington, D. C., October 2, 1929]

**16326. Misbranding of tomato catsup. U. S. v. 47 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23539. I. S. No. 05430. S. No. 1785.)**

On March 21, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 cases of tomato catsup, remaining in the original and unbroken packages at Hamilton, Ohio, alleging that the article had been shipped by the Lippincott Co. from Boonville, Ind., October 30, 1928, and transported from the State of Indiana into the State of Ohio and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles or jugs) "Fort Hamilton Brand \* \* \* Tomato Catsup Guaranteed Free from Artificial Color."

It was alleged in the libel that the article was misbranded in that the designation "Tomato Catsup" and the statement "Guaranteed Free from Artificial Color," borne on the label, were false and misleading and deceived and misled the purchasers thereof.

On March 25, 1929, the Lippincott Co., Cincinnati, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of cost and the execution of a bond in the sum of \$400, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16327. Adulteration and misbranding of feed. U. S. v. Southern Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 22571. I. S. Nos. 14680-x, 14681-x, 16120-x.)**

On October 17, 1928, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Milling Co., a corporation, Augusta, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about October 25, 1927, from the State of Georgia into the State of South Carolina, and on or about November 21, 1927, from the State of Georgia into the State of North Carolina, of quantities of feed which was adulterated and misbranded. The article was labeled in part, variously: (Tags) "Huron (or "Rexall" or "Bronco") Horse & Mule Feed \* \* \* Manufactured by Southern Milling Co., Augusta, Ga. Guaranteed Analysis Protein 9% (or "10%") \* \* \* Ingredients \* \* \* Alfalfa Meal."

It was alleged in the information that the article was adulterated in that a substance containing no alfalfa meal, with respect to a portion of the product, had but a mere trace of alfalfa meal, with respect to the remainder thereof,